

# SENATE BILL NO. 1217

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR LEWIS.

4559S.011

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 115.277, 115.279, and 115.283, RSMo, and to enact in lieu thereof three new sections relating to absentee voting.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 115.277, 115.279, and 115.283, RSMo, are repealed and three new sections enacted in lieu thereof, to be known as sections 115.277, 115.279, and 115.283, to read as follows:

115.277. 1. A registered voter of this state may cast an absentee ballot in person at a location designated by the election authority for all candidates and issues for which such voter is eligible to vote at the polling place [if such voter expects to be prevented from going to the polls to vote on election day due to one of the reasons listed in subsection 3 of this section]. A registered voter casting a ballot under the provisions of this subsection shall provide a form of personal photo identification that is consistent with subsection 1 of section 115.427. [Beginning on the second Tuesday prior to an election, a reason listed under subsection 3 of this section shall not be required, provided that, the provisions of section 1.140 to the contrary notwithstanding, this sentence and section 115.427 shall be nonseverable, and if any provision of section 115.427 is for

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 any reason held to be invalid, such decision shall  
17 invalidate this sentence.]

18 2. Except as provided in subsections 3, 4, and 5[, and  
19 6] of this section, a registered voter of this state may  
20 cast an absentee ballot not in person at a location  
21 designated by the election authority for all candidates and  
22 issues for which such voter [would be] **is** eligible to vote  
23 at the polling place [if such voter expects to be prevented  
24 from going to the polls to vote on election day due to one  
25 of the reasons listed in subsection 3 of this section. An  
26 absentee ballot that is not requested and completed in  
27 person at the office of the election authority with a form  
28 of personal photo identification that is consistent with  
29 subsection 1 of section 115.427 shall have the statement on  
30 the ballot envelope notarized as required under section  
31 115.283, except that absentee ballots requested under  
32 subdivisions (2) and (5) of subsection 3 of this section  
33 shall not require notarization. This subsection shall apply  
34 only in the case of absentee ballots that are not cast in  
35 person].

36 3. [A voter may request an absentee ballot for any of  
37 the following reasons:

38 (1) Absence on election day from the jurisdiction of  
39 the election authority in which such voter is registered to  
40 vote;

41 (2) Incapacity or confinement due to illness or  
42 physical disability on election day, including a person who  
43 is primarily responsible for the physical care of a person  
44 who is incapacitated or confined due to illness or  
45 disability and resides at the same address;

46 (3) Religious belief or practice;

47 (4) Employment as:

48 (a) An election authority, as a member of an election  
49 authority, or by an election authority at a location other  
50 than such voter's polling place;

51 (b) A first responder;

52 (c) A health care worker; or

53 (d) A member of law enforcement;

54 (5) Incarceration, provided all qualifications for  
55 voting are retained;

56 (6) Certified participation in the address  
57 confidentiality program established under sections 589.660  
58 to 589.681 because of safety concerns.

59 **4.]** Any covered voter who is eligible to register and  
60 vote in this state may vote in any election for federal  
61 office, statewide office, state legislative office, or  
62 statewide ballot initiatives by submitting a federal  
63 postcard application to apply to vote by absentee ballot or  
64 by submitting a federal postcard application at the polling  
65 place even though the person is not registered. A federal  
66 postcard application submitted by a covered voter pursuant  
67 to this subsection shall also serve as a voter registration  
68 application under section 115.908 and the election authority  
69 shall, if satisfied that the applicant is entitled to  
70 register, place the voter's name on the voter registration  
71 file. Each covered voter may vote by absentee ballot or,  
72 upon submitting an affidavit that the person is qualified to  
73 vote in the election, may vote at the person's polling place.

74 **[5.] 4.** Any interstate former resident may vote by  
75 absentee ballot for presidential and vice presidential  
76 electors.

77 **[6.] 5.** Any new resident may vote by absentee ballot  
78 for presidential and vice presidential electors after

79 registering to vote in such resident's new jurisdiction of  
80 residence.

115.279. 1. Application for an absentee ballot may be  
2 made by the applicant in person, or by mail, or for the  
3 applicant, in person, by his or her guardian or a relative  
4 within the second degree by consanguinity or affinity. The  
5 election authority shall accept applications by facsimile  
6 transmission and by electronic mail within the limits of its  
7 telecommunications capacity.

8 2. Notwithstanding section 115.284, no individual,  
9 group, or party shall solicit a voter into obtaining an  
10 absentee ballot application. Absentee ballot applications  
11 shall not have the information prefilled prior to [it] being  
12 provided to a voter. Nothing in this section shall be  
13 interpreted to prohibit a state or local election authority  
14 from assisting an individual voter.

15 3. Each application shall be made to the election  
16 authority of the jurisdiction in which the person is or  
17 would be registered. Each application shall be in writing  
18 and shall state the applicant's name, address at which he or  
19 she is or would be registered, [his or her reason for voting  
20 an absentee ballot,] the address to which the ballot is to  
21 be mailed, if mailing is requested, and for absent uniformed  
22 services and overseas applicants, the applicant's email  
23 address if electronic transmission is requested. If the  
24 [reason for the applicant voting absentee is due to the  
25 reasons established under subdivision (6) of subsection 3 of  
26 section 115.277] **applicant is a certified participant in the**  
27 **address confidentiality program established under sections**  
28 **589.660 to 589.681,** the applicant shall state the voter's  
29 identification information provided by the address  
30 confidentiality program in lieu of the applicant's name,

31 address at which he or she is or would be registered, and  
32 address to which the ballot is to be mailed, if mailing is  
33 requested. Each application to vote in a primary election  
34 shall also state which ballot the applicant wishes to  
35 receive. If any application fails to designate a ballot,  
36 the election authority shall, within three working days  
37 after receiving the application, notify the applicant by  
38 mail that it will be unable to deliver an absentee ballot  
39 until the applicant designates which political party ballot  
40 he or she wishes to receive. If the applicant does not  
41 respond to the request for political party designation, the  
42 election authority is authorized to provide the voter with  
43 that part of the ballot for which no political party  
44 designation is required.

45 4. All applications for absentee ballots received  
46 prior to the sixth Tuesday before an election shall be  
47 stored at the office of the election authority until such  
48 time as the applications are processed in accordance with  
49 section 115.281. No application for an absentee ballot  
50 received in the office of the election authority by mail, by  
51 facsimile transmission, by electronic mail, or by a guardian  
52 or relative after 5:00 p.m. on the second Wednesday  
53 immediately prior to the election shall be accepted by any  
54 election authority. No application for an absentee ballot  
55 submitted by the applicant in person after 5:00 p.m. on the  
56 day before the election shall be accepted by any election  
57 authority, except as provided in subsections 7, 8, and 9 of  
58 this section.

59 5. Each application for an absentee ballot shall be  
60 signed by the applicant or, if the application is made by a  
61 guardian or relative pursuant to this section, the  
62 application shall be signed by the guardian or relative, who

63 shall note on the application his or her relationship to the  
64 applicant. If an applicant, guardian or relative is blind,  
65 unable to read or write the English language or physically  
66 incapable of signing the application, he or she shall sign  
67 by mark, witnessed by the signature of an election official  
68 or person of his or her own choosing. Any person who  
69 knowingly makes, delivers or mails a fraudulent absentee  
70 ballot application shall be guilty of a class one election  
71 offense.

72         6. (1) Notwithstanding any law to the contrary, any  
73 resident of the state of Missouri who resides outside the  
74 boundaries of the United States or who is on active duty  
75 with the Armed Forces of the United States or members of  
76 their immediate family living with them may request an  
77 absentee ballot for both the primary and subsequent general  
78 election with one application.

79         (2) The election authority shall provide each absent  
80 uniformed services voter and each overseas voter who submits  
81 a voter registration application or an absentee ballot  
82 request, if the election authority rejects the application  
83 or request, with the reasons for the rejection.

84         (3) Notwithstanding any other law to the contrary, if  
85 a standard oath regarding material misstatements of fact is  
86 adopted for uniformed and overseas voters pursuant to the  
87 Help America Vote Act of 2002, the election authority shall  
88 accept such oath for voter registration, absentee ballot, or  
89 other election-related materials.

90         (4) Not later than sixty days after the date of each  
91 regularly scheduled general election for federal office,  
92 each election authority which administered the election  
93 shall submit to the secretary of state in a format  
94 prescribed by the secretary a report on the combined number

95 of absentee ballots transmitted to, and returned by, absent  
 96 uniformed services voters and overseas voters for the  
 97 election. The secretary shall submit to the Election  
 98 Assistance Commission a combined report of such information  
 99 not later than ninety days after the date of each regularly  
 100 scheduled general election for federal office and in a  
 101 standardized format developed by the commission pursuant to  
 102 the Help America Vote Act of 2002. The secretary shall make  
 103 the report available to the general public.

104 (5) As used in this section, the terms "absent  
 105 uniformed services voter" and "overseas voter" shall have  
 106 the meaning prescribed in 52 U.S.C. Section 20310.

107 7. An application for an absentee ballot by a new  
 108 resident shall be submitted in person by the applicant in  
 109 the office of the election authority in the election  
 110 jurisdiction in which such applicant resides. The  
 111 application shall be received by the election authority no  
 112 later than 7:00 p.m. on the day of the election. Such  
 113 application shall be in the form of an affidavit, executed  
 114 in duplicate in the presence of the election authority or  
 115 any authorized officer of the election authority, and in  
 116 substantially the following form:

117 "STATE OF \_\_\_\_\_

118 COUNTY OF \_\_\_\_\_, ss.

119 I, \_\_\_\_\_, do solemnly swear that:

120 (1) Before becoming a resident of this  
 121 state, I resided at \_\_\_\_\_  
 122 (residence address) in \_\_\_\_\_ (town,  
 123 township, village or city) of \_\_\_\_\_  
 124 County in the state of \_\_\_\_\_;

125 (2) I moved to this state after the last  
 126 day to register to vote in such  
 127 general presidential election and I  
 128 am now residing in the county of  
 129 \_\_\_\_\_, state of Missouri;

130 (3) I believe I am entitled pursuant  
 131 to the laws of this state to vote  
 132 in the presidential election to  
 133 be held November \_\_\_\_\_, \_\_\_\_\_  
 134 (year);

135 (4) I hereby make application for a  
 136 presidential and vice presidential  
 137 ballot. I have not voted and shall  
 138 not vote other than by this ballot  
 139 at such election.

140 Signed \_\_\_\_\_

141 (Applicant)

142 \_\_\_\_\_

143 (Residence  
 144 Address)

145 [Subscribed and sworn to before me this  
 146 \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_]

147 Signed \_\_\_\_\_

148 (Title and name of officer authorized to  
 149 administer oaths)"]

150 8. The election authority in whose office an  
 151 application is filed pursuant to subsection 7 of this  
 152 section shall immediately send a duplicate of such  
 153 application to the appropriate official of the state in

154 which the new resident applicant last resided and shall file  
155 the original of such application in its office.

156 9. An application for an absentee ballot by an  
157 interstate former resident shall be received in the office  
158 of the election authority where the applicant was formerly  
159 registered by 5:00 p.m. on the second Wednesday immediately  
160 prior to the election, unless the application is made in  
161 person by the applicant in the office of the election  
162 authority, in which case such application shall be made no  
163 later than 7:00 p.m. on the day of the election.

115.283. 1. Each ballot envelope shall bear a  
2 statement on which the voter shall state the voter's name,  
3 the voter's voting address, **and** the voter's mailing address  
4 [and the voter's reason for voting an absentee ballot]. If  
5 the [reason for the voter voting absentee is due to the  
6 reasons established under subdivision (6) of subsection 3 of  
7 section 115.277] **applicant is a certified participant in the**  
8 **address confidentiality program established under sections**  
9 **589.660 to 589.681**, the voter shall state the voter's  
10 identification information provided by the address  
11 confidentiality program in lieu of the applicant's name,  
12 voting address, and mailing address. On the form, the voter  
13 shall also state under penalties of perjury that the voter  
14 is qualified to vote in the election, that the voter has not  
15 previously voted and will not vote again in the election,  
16 that the voter has personally marked the voter's ballot in  
17 secret or supervised the marking of the voter's ballot if  
18 the voter is unable to mark it, that the ballot has been  
19 placed in the ballot envelope and sealed by the voter or  
20 under the voter's supervision if the voter is unable to seal  
21 it, and that all information contained in the statement is  
22 true. In addition, any person providing assistance to the

23 absentee voter shall include a statement on the envelope  
24 identifying the person providing assistance under penalties  
25 of perjury. Persons authorized to vote only for federal and  
26 statewide officers shall also state their former Missouri  
27 residence.

28 2. The statement for persons voting absentee ballots  
29 who are registered voters shall be in substantially the  
30 following form:

31 State of Missouri

32 County (City) of \_\_\_\_\_

33 I, \_\_\_\_\_ (print name), a registered voter of  
34 \_\_\_\_\_ County (City of St. Louis, Kansas City),  
35 declare under the penalties of perjury that I am  
36 voting in person at a location designated by the  
37 local election authority or I expect to be  
38 prevented from going to the polls on election day  
39 [due to (check one):

40 \_\_\_\_\_ absence on election day from the  
41 jurisdiction of the election  
42 authority in which I am registered;

43 \_\_\_\_\_ incapacity or confinement due to  
44 illness or physical disability on  
45 election day, including caring for a  
46 person who is incapacitated or  
47 confined due to illness or disability  
48 and resides at the same address;

49 \_\_\_\_\_ religious belief or practice;

50 \_\_\_\_\_ employment as an election authority,  
51 by an election authority at a  
52 location other than my polling place,  
53 as a first responder, as a health

54 care worker, or as a member of law  
55 enforcement;

56 \_\_\_\_\_ incarceration, although I have  
57 retained all the necessary  
58 qualifications for voting;

59 \_\_\_\_\_ certified participation in the  
60 address confidentiality program  
61 established under sections 589.660 to  
62 589.681 because of safety concerns.

63 I hereby state under penalties of perjury] and  
64 that I am qualified to vote at this election; I  
65 have not voted and will not vote other than by  
66 this ballot at this election. I further state that  
67 I marked the enclosed ballot in secret or that I  
68 am blind, unable to read or write English, or  
69 physically incapable of marking the ballot, and  
70 the person of my choosing indicated below marked  
71 the ballot at my direction; all of the information  
72 on this statement is, to the best of my knowledge  
73 and belief, true.

74 \_\_\_\_\_

75 Signature of Voter

Signature of Person

76 Assisting Voter

77 (if applicable)

78 Signed \_\_\_\_\_ [Subscribed and sworn]

79 Signed \_\_\_\_\_ [to before me this]

80 Address of Voter [ \_\_\_\_\_ day of \_\_\_\_\_ ,  
81 \_\_\_\_\_ ]

82 \_\_\_\_\_ [ \_\_\_\_\_ ]

83 \_\_\_\_\_ [ \_\_\_\_\_ ]

84 Mailing Addresses [Signature of notary or]  
85 (if different) [other officer  
86 authorized to  
87 administer oaths]

88 3. The statement for persons voting absentee ballots  
89 pursuant to the provisions of subsection 4, 5, or 6 of  
90 section 115.277 without being registered shall be in  
91 substantially the following form:

92 State of Missouri

93 County (City) of \_\_\_\_\_

94 I, \_\_\_\_\_ (print name), declare under the  
95 penalties of perjury that I am a citizen of the  
96 United States and eighteen years of age or  
97 older. I am not adjudged incapacitated by any  
98 court of law, and if I have been convicted of a  
99 felony or of a misdemeanor connected with the  
100 right of suffrage, I have had the voting  
101 disabilities resulting from such conviction  
102 removed pursuant to law. I hereby state under  
103 penalties of perjury that I am qualified to vote  
104 at this election.

105 I am an interstate former resident of Missouri  
106 and authorized to vote for presidential and vice  
107 presidential electors.

108 I further state under penalties of perjury that  
109 I have not voted and will not vote other than by  
110 this ballot at this election; I marked the  
111 enclosed ballot in secret or am blind, unable to  
112 read or write English, or physically incapable  
113 of marking the ballot, and the person of my  
114 choosing indicated below marked the ballot at my

115 direction; all of the information on this  
116 statement is, to the best of my knowledge and  
117 belief, true.

118 \_\_\_\_\_ [Subscribed to and ]

119 Signature of Voter [sworn before me this

120 \_\_\_\_\_ day of

121 \_\_\_\_\_, \_\_\_\_\_]

122 \_\_\_\_\_

123 \_\_\_\_\_ [ \_\_\_\_\_ ]

124 Address of Voter [Signature of notary  
125 or

126 other officer

127 authorized to

128 administer oaths]

129 \_\_\_\_\_

130 Mailing Address (if  
131 different) \_\_\_\_\_

132 \_\_\_\_\_

133 \_\_\_\_\_

134 Signature of Person Address of Last

135 Assisting Voter Missouri Residence

136 (if applicable)

137 4. The statement for persons voting absentee ballots  
138 who are entitled to vote at the election pursuant to the

139 provisions of subsection 2 of section 115.137 shall be in  
140 substantially the following form:

141 State of Missouri

142 County (City) of \_\_\_\_\_

143 [I, \_\_\_\_\_ (print name), declare under the  
144 penalties of perjury that I expect to be  
145 prevented from going to the polls on election day  
146 due to (check one):

147 \_\_\_\_\_ absence on election day from the  
148 jurisdiction of the election authority  
149 in which I am directed to vote;

150 \_\_\_\_\_ incapacity or confinement due to  
151 illness or physical disability on  
152 election day, including caring for a  
153 person who is incapacitated or  
154 confined due to illness or disability  
155 and resides at the same address;

156 \_\_\_\_\_ religious belief or practice;

157 \_\_\_\_\_ employment as an election authority,  
158 by an election authority at a location  
159 other than my polling place, as a  
160 first responder, as a health care  
161 worker, or as a member of law  
162 enforcement;

163 \_\_\_\_\_ incarceration, although I have  
164 retained all the necessary  
165 qualifications of voting;

166 \_\_\_\_\_ certified participation in the address  
167 confidentiality program established  
168 under sections 589.660 to 589.681  
169 because of safety concerns.

170 I hereby state under penalties of perjury that] I  
 171 own property in the \_\_\_\_\_ district and am  
 172 qualified to vote at this election; I have not  
 173 voted and will not vote other than by this ballot  
 174 at this election. I further state that I marked  
 175 the enclosed ballot in secret or that I am blind,  
 176 unable to read and write English, or physically  
 177 incapable of marking the ballot, and the person  
 178 of my choosing indicated below marked the ballot  
 179 at my direction; all of the information on this  
 180 statement is, to the best of my knowledge and  
 181 belief, true.

182 \_\_\_\_\_ [Subscribed and sworn]

183 Signature of Voter [to before me this

184 \_\_\_\_\_ day of

185 \_\_\_\_\_, \_\_\_\_\_]

186 \_\_\_\_\_

187 \_\_\_\_\_ [ \_\_\_\_\_ ]

188 Address [Signature of notary or

189 other officer

190 authorized to

191 administer oaths]

192 \_\_\_\_\_

193 Signature of Person

194 Assisting Voter

195 (if applicable)

196           5. The statement for persons providing assistance to  
197 absentee voters shall be in substantially the following form:

198           The voter needed assistance in marking the  
199 ballot and signing above, because of  
200 blindness, other physical disability, or  
201 inability to read or to read English. I  
202 marked the ballot enclosed in this envelope  
203 at the voter's direction, when I was alone  
204 with the voter, and I had no other  
205 communication with the voter as to how he or  
206 she was to vote. The voter swore or affirmed  
207 the voter affidavit above and I then signed  
208 the voter's name and completed the other  
209 voter information above. Signed under the  
210 penalties of perjury.

211           Reason why voter needed assistance: \_\_\_\_\_

212           ASSISTING PERSON SIGN HERE

213           1. \_\_\_\_\_ (signature of assisting person)

214           2. \_\_\_\_\_ (assisting person's name printed)

215           3. \_\_\_\_\_ (assisting person's residence)

216           4. \_\_\_\_\_ (assisting person's home city or  
217 town).

218           6. Notwithstanding any other provision of this  
219 section, any covered voter as defined in section 115.902 or  
220 persons who have declared themselves to be permanently  
221 disabled pursuant to section 115.284, otherwise entitled to  
222 vote, shall not be required to obtain a notary seal or  
223 signature on his or her absentee ballot.

224           7. Notwithstanding any other provision of this section  
225 or section 115.291 to the contrary, the subscription,  
226 signature and seal of a notary or other officer authorized

227 to administer oaths shall not be required on any ballot,  
228 ballot envelope, or statement required by this section if  
229 [the reason for] the voter **is** voting absentee [is due to the  
230 reasons established pursuant to subdivision (2) of  
231 subsection 3 of section 115.277.

232 8. No notary shall charge or collect a fee for  
233 notarizing the signature on any absentee ballot or absentee  
234 voter registration.

235 9. A notary public who charges more than the maximum  
236 fee specified or who charges or collects a fee for  
237 notarizing the signature on any absentee ballot or absentee  
238 voter registration is guilty of official misconduct].

✓